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10/009,385	07/05/2002	Andreas Stieglir	West.6492	7062
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O'Shea Getz P.C.			EXAMINER	
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SPRINGFIELD, MA 01115				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/009,385	Applicant(s) STIEGLER ET AL.
	Examiner Timothy R. Newlin	Art Unit 2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 and 12-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-166/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/7/2008 have been fully considered but they are not persuasive.

First, Applicant asserts that the Examiner's stated rationale for combining Shaunfield and Ha is inadequate. Examiner disagrees. The rationale is stated as follows:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify node 53 of Shaunfield by including compressed audio data from a microphone with the video data and an audio codec for compression of the audio, as taught by Ha, in order to enhance the presentation of the output signal with audio (Ha: col. 4, lines 1-30).

The rationale is that including audio provides a more robust and valuable output signal. Contrary to the Applicants assertion on page 9 of the response, there may be a security benefit to monitoring audio as well as video. For example, it may help to identify suspects via voiceprint when their face is obscured. Or, if a security tape is to be used as evidence, an audible threat might be probative in justifying an act of alleged self defense. Many other examples are possible.

Moreover, Shaunfield itself implies the utility of transmitting audio. While the innovation of Shaunfield focuses on selective activation of video equipment, it includes discussion of audio capability as well [col. 2, 53-55; col. 6, 31-37]. Thus one of ordinary skill would recognize that audio transmission might be integrated with the video, especially in light of Ha which teaches that integration explicitly.

Applicant also argues that Shaunfield teaches away from the combination of audio and video. While the codecs used in Shaunfield are not capable of processing audio, this disclosure amounts to mere silence on audio processing, not a teaching that is *cannot or should not* be done. See MPEP 2145.X.D.1: "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Moreover, the wording "of conventional design, but without provisions for processing voice" suggests that a truly conventional (i.e. nonobvious) apparatus would indeed be capable of processing audio.

For the reasons above, the Applicant's argument against the 103 rejection is not persuasive, and the claims remain rejected.

With respect to claim 17, Applicant attempts to disqualify Stiegler et al., US 5,940,398 as prior art under 35 USC 103(c). However, Stiegler qualifies as prior art under 35 USC 102(b) since its publication date (8/17/1999) is more than 1 year prior to this application's US filing date of 7/5/2002. Therefore Stiegler cannot be disqualified under 103(c) and claim 17 stands rejected. See MPEP 706.02(l)(3).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaunfield (US 5,867,484, cited in prior Office Action) in view of Ha et al. (US 6,035,349), and further in view of Ueki (US 6,310,848, cited in prior Office Action).

Regarding claims 1, 9 and 16, Shaunfield teaches a local network having a ring network configuration with a plurality of subscribers each connected within the ring network by a data line to transmit and receive data therebetween (Fig. 2; col. 5, lines 41-46), the local network comprising:

a first subscriber configured as a data source that transmits compressed video data onto the ring network (Fig. 2—53; col. 6, lines 15-20);

a third subscriber that receives decompressed video data (Fig. 2—monitors 38),

a fourth subscriber (Fig. 2—50) that includes

a bit stream decoder that decodes the compressed video data and provides decompressed video data (col. 4, lines 40-44; col. 7, lines 8-11); and

a control unit (Fig. 2—44) that controls the transmission of the decompressed video data signal onto the ring network (col. 7, lines 19-22).

Shaunfield teaches that the nodes 50-57 can have a “mix and match” of other interface circuits that can handle video and voice signals which are compressed by respective codecs (col. 6, lines 51-54; col. 6, lines 9-47). Shaunfield, however, fails to explicitly teach the first subscriber (Fig. 2—53) transmits compressed audio data.

In analogous art, Ha et al. (“Ha”) teaches transmitting compressed audio and video data from a microphone and a camera (Fig. 3; col. 4, lines 1-39—compressed audio and video are interleaved after being compressed by an audio codec and a video codec, respectively).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify node 53 of Shaunfield by including compressed audio data from a microphone with the video data and an audio codec for compression of the audio, as taught by Ha, in order to enhance the presentation of the output signal with audio (Ha: col. 4, lines 1-30).

Furthermore, the control node of Shaunfield contains a demultiplexer that is capable of separating multiplexed signals, such as audio and video, however, Shaunfield and Ha fail to clearly teach a separation stage that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data

signal. Shaunfield and Ha also fail to explicitly teach a second subscriber that receives decompressed audio data.

In analogous art, Ueki teaches a second subscriber that receives decompressed audio data (Fig. 1—21) and a separation stage (Fig. 1—18) that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data signal (col. 6, lines 61-67—a recording/reproducing apparatus that includes a decompressing circuit with an A/V decoder for decompressing the audio/video data and a separation circuit that separates the decompressed data into audio and video signals).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaunfield and Ha by incorporating a second subscriber that receives decompressed audio data and a separation stage that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data signal, as taught by Ueki, in order to supply the video data to a display device, i.e. a monitor, and the audio data to a audio reproducing device, i.e. a speaker (Ueki: col. 6, line 64-col. 7, line 4).

Regarding claim 2, Ueki teaches where the second subscriber comprises a data sink (Fig. 1—speaker 21).

Regarding claim 3, Shaunfield teaches where the third subscriber comprises a data sink (Fig. 2—monitor 38).

Regarding claim 4, Shaunfield teaches where the fourth subscriber comprises a data sink (Fig. 2—50; col. 4, lines 40-44; col. 7, lines 8-11; col. 7, lines 19-22).

Regarding claim 5, refer to the analysis of claims 2, 3 and 4.

Regarding claims 7, 8, 12 and 14, Shaunfield teaches a decoder that decompresses incoming signals, the signals being compressed according to JPEG, but fails to teach where the bit stream decoder comprises an MPEG-1 decoder or an MPEG-2 decoder.

In analogous art, Ueki teaches a decompressing circuit with a decoder for decompresses the incoming signal (col. 8, lines 31-33), where the signal is either an MPEG-2 signal or a MPEG-1 signal (col. 15, lines 25-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaunfield by including an MPEG-1 decoder or an MPEG-2 decoder, as taught by Ueki, in order to decompress signals that are of normal quality MPEG-1 type, or of high quality MPEG-2 type (Ueki: col. 15, lines 26-27).

Regarding claim 10, Shaunfield wherein the step of receiving, decompressing, processing and transmitting occur in the same data sink (col. 4, lines 40-46).

Regarding claim 13, Shaunfield teaches a decoder that decompresses incoming signals, but fails to teach that the decoder comprises an AC-3 decoder.

In analogous art, Ueki teaches a decompressing circuit with a decoder for decompresses the incoming signal (col. 8, lines 31-33), where the signal is compressed in an ac-3 format (col. 8, lines 49-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaunfield and Ha by having a bit stream

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decoder that comprises an AC-3 decoder, as taught by Ueki, in order to decompress signals that are audio signals.

Regarding claim 15, Ueki teaches where the bit stream decoder comprises a video decoder and an audio decoder (col. 6, lines 44 & 61-64—a recording/reproducing apparatus that includes a decompressing circuit with an A/V decoder for decompressing the audio/video data).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaunfield and Ha by including an audio and video decoder in the bit stream decoder for decompressing audio data and video data, as taught by Ueki, in order to supply the audio data to a audio reproducing device, e.g. a speaker, and the video data to a display device, e.g. a monitor (col. 6, line 64-col. 7, line 4).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaunfield (previously cited) in view of Ha (previously cited), further in view of Ueki (previously cited), as applied to claim 1 above, and further in view of Stiegler et al. (US 5,940,398; cited in prior Office Action).

Regarding claim 6, Shaunfield teaches where third and fourth subscribers are separate from each other and connected within the ring network by the data line (Fig. 2). Ueki teaches a second subscriber (Fig. 1—21) that receives decompressed audio data. Shaunfield, Ha and Ueki, however, fail to teach that the second subscriber is connected within the ring network.

In analogous art, Stiegler et al. ("Stiegler") teaches a speaker within a ring network (Fig. 3—35; col. 6, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaunfield, Ha and Ueki by including the second subscriber in the ring network, as taught by Stiegler, in order allow highly effective, fast and economical transmissions of source data between the network subscribers through optical fiber segments (Stiegler: col. 6, lines 51-54).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 2002/0038374) in view of Stiegler (previously cited).

Regarding claim 17, Gupta et al. ("Gupta") teaches a local network (Figs. 1, 3 and 4; paragraph 25—local network):

a first subscriber configured as a data source that transmits compressed audio and video data onto the network (Fig. 3—10);

a second subscriber that receives the transmitted compressed audio and video data (Fig. 3—104), where the second subscriber includes a separation stage that separates the compressed audio and video data to provide a compressed audio data signal and a compressed video data signal (paragraph 57—Demultiplexer 104 separates the compressed audio/video data and transmits the separated video data to a video decoder and the separated audio data to an audio decoder),

a third subscriber that receives the compressed audio data signal (Fig. 3—108), where the third subscriber includes an audio bit stream decoder that decodes the

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compressed audio data signal and provides decompressed audio data (paragraph 57), and a unit that reproduces the decompressed audio data (Fig. 3—114); and a fourth subscriber that receives the compressed video data signal (Fig. 3—109), where the fourth subscriber includes a video audio bit stream decoder that decodes the compressed video data signal and provides decompressed video data (paragraph 57), and a unit that reproduces the decompressed video data (Fig. 3—115).

Gupta, however, fails to teach the network having a ring network configuration with a plurality of subscribers each connected within the ring network by an optical data line to transmit and receive data therebetween. Gupta teaches control-oriented communications are transmitted between the server 10 and subscriber 11, however, fails to explicitly teach a control unit that controls the transmission of the audio data signal and the video data signal onto the network.

In analogous art, Stiegler teaches a ring network comprising a speaker, a control ("control unit") and display unit, a radio receiver, etc. (Fig. 3; col. 4, lines 27-34; col. 6, lines 14-23 and lines 42-49) connected through a single optical data line (lines 50-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gupta by including a ring network configuration with a plurality of subscribers each connected within the ring network by an optical data line to transmit and receive data therebetween and a control unit that controls the transmission of the audio data signals and the video signal onto the network, as taught by Stiegler, in order allow highly effective, fast and economical transmissions of source

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data between the network subscribers through optical fiber segments (Stiegler: col. 6, lines 51-54).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

TRN